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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			CHAVIS, JOHN Q	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/665,214  
Filing Date: September 18, 2000  
Appellant(s): KHALID ET AL.

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Kasey C. Christie  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 5/28/04.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct. Specific attention should be focused here on the applicant's definition of a "common configuration data structure", which is a data structure that includes configuration data, which describes how a software and/or hardware system is setup or configured, which is common to multiple program modules. First, it is considered inherent for computers to have configuration data to enable it to interact with specific types of files (software) and devices (hardware). Since, the data is used on a specific system, then it is considered common to the hardware and software utilized by that system.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 1-40 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

6,105,101	Hester et al.	8/2000
5,655,148	Richman et al.	8/1997

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-2, 5-6, 8-9, 11-13, 15-16, 18-19, 21, 24-26, 28-35, 37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Hester et al. (6,105,101).

Claims  
1. A method for controlling access to storage loci in a common configuration data structure, the method comprising:

receiving an attempt to access a first storage locus in the common configuration data structure from a program module;

Hester et al.  
See the title, abstract, col. 1 lines 21-30, col. 1 line 59-col 2 line 10.

See col. 2 lines 12-33. The entire BIOS, both versions is considered the "common data structure", see the abstract. The different versions (32 and 16 bit) are considered to provide for a first storage locus (32 bit) and a second storage locus (16 bit); since, each is considered to store different configuration data structures, see col. 2 lines 15-20. The fact each is accessed (via an attempt or interrupt (col. 2 lines 15-20)) transparently or invisibly is

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determining whether to direct such attempt to at least a second locus in the common configuration data structure with the program module unaware that it is accessing the second locus.

considered to make the structure common, see col. 2 lines 58-61.

See col. 2 lines 48-65 and col. 3 lines 1-4, which indicates that calls are made as required. The determining feature is inherent to enable remapping between Different systems. Furthermore, since some systems may be similar (i.e. going from an 8 bit system to another 8 bit system), a determination is required to determine whether to direct or redirect the attempted access to enable compatibility.

2. ...directing such attempt to at least the second locus...

See col. 3 lines 5-27. Hester's remapper (interrupts, col. 2 lines 15-20 and col. 3 lines 1-11) provides this feature to enable access to different operating systems (different configurations, 16 bit and 32 bit), see col. 1 lines 25-35 and col. 2 lines 58-61. Also, see col. 3 lines 34-43 and lines 48-56.

5. ...the program module is an application.

See col. 55 lines 12-30.

6. ...the first storage locus is reserved...for a first version...  
the second storage locus is reserved...for a second version...

This feature is indicated in Hester via the response to the receiving step of claim 1.

8. A computer readable medium...

See the computer system of Hester's claim 11.

The features of claims 9, 12, 19, 31, 33 are taught via claim 1.

As per claims 11, 18, 28, see the rejection of claim 8.

In reference to claim 13, see the rejection of claim 2.

Claims 15-16, 34-35 are taught via claim 5-6.

The features of claims 38-39 are taught via claim 6.

The features of claims 21 is inherent in claim 1 to enable backward compatibility; since, the intercepting and redirecting features inherently requires searching, and finding to acquire appropriate links and copying to enable calls to systems in different modes. The features of claim 24 are inherent in claim 21; since, a triggering event is inherent to enable interrupt calls.

As per claim 25, see col. 6 lines 1-34.

The features of claim 26 are taught via claim 6.

In reference to claims 29-30, 32, 37, see the rejection of claim 21 above.

### ***Claim Rejections - 35 USC § 103***

Claims 3-4, 7, 10, 14, 17, 20, 22-23, 27, 36, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hester et al. as applied to claims 1-6 above, and further in view of Richman et al. (5,655,148).

#### Claims

3. ...determining whether to direct such attempt to at least a third locus in the common configuration data structure with the program module...

#### Hester/Richman

Hester does not specifically indicate that a determination is made to direct a call to a third locus; however, he determines whether to direct a call to a second locus (col. 3 lines 1-4) to enable a 16 bit application to be compatible with a 32 bit system (see again the abstract).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Hester's system to further enable backward compatibility with an 8 bit application to further improve backward compatibility as required (col. 1 lines 25-30.) Richman further, as indicated in claim 4 below, teach the use of a registry to indicate compatible links. This feature further indicates that multiple locus exists and therefore, it would have been further obvious to a person of ordinary skill in the art at the time of the invention to enable automatic configuration with multiple systems to enhance usability of the system, see the title.

4. ...examining a loci-redirection table, wherein the determining is based, at least in part, upon information in the table.

Hester does not specifically indicate that his system utilizes a table; however, Richman provides for the feature of utilizing a registry (table) to enable communication between various environments by redirecting calls (col. 45 line 66-col. 46 line 8, col. 53 lines 7-18 and col. 54 lines 35-42.

7. ...the common configuration data structure is a registry.

See the cited portions of claim 4.

In reference to claims 10, 20, 22, see the rejection of claim 3 above.

The features of claims 14 and 23 are taught via claim 4.

Claims 17, 27, 36 are taught via claim 7.

As per claim 40, see the rejection of claim 4.

**(11) Response to Argument**

**(1) The applicant claims on page 7 that the BIOS is not a common configuration data structure; however, this contradicts his broad definition on page 4 line 22-page 5 line 1. The definition indicates that “a common configuration data structure is a data structure which includes configuration data, which describes how a software and/or hardware system is setup or configured”. A definition of BIOS is hereby provided to the applicant from the Microsoft Computer Dictionary. The key portion of the definition is its reference to a specific BIOS (AMI BIOS or ROM BIOS ). The definition indicates that “a popular feature is that its configuration software (common configuration data structure) is stored in the ROM chip along with the BIOS routines, so the user does not need a separate configuration disk to modify system settings”. Furthermore, Basic Input/Output System (BIOS) is considered to also provide for the feature indicated by the broad definition provided; since, basic represents common, input/output represents configuration data and the system is a specific structure.**

**(2) The applicant also indicates that the BIOS does not attempt to access a storage locus; however, this is the essence of its definition of “loading the operating system (inherently from a storage locus), providing support for the transfer of data among hardware devices and loading configuration data”, see again the Microsoft Computer Dictionary definitions. Also, Hester’s attempts to**



*access the different operating systems (8, 16 and 32 bit) provides for an attempt to access a storage locus, see the rejection of claim 1.*

*(3) The intercepting feature (see also the calling and remapping features of fig. 1, items 210 and 220) is already discussed above in claim 1. Remapping provides for the intercepting feature to enable proper functioning. That is, an attempt is made to access one storage locus (for example, the 32 bit operating system and the call is remapped or intercepted and passed to the 16 bit operating system to enable compatibility, see col. 1 lines 59-65 and col. 2 lines 58-61.*

*(4) The applicant indicates that he did not invent the common configuration data structure (1<sup>st</sup> full paragraph of page 13 of the Appeals Brief); therefore, it is considered that he merely utilizes a feature that had already been known in the art at the time of the invention. He further indicated that the feature was introduced with the advent of more advanced operating systems (such as Windows NT® and Windows® 95). Hester utilizes Windows® NT, see col. 2 lines 62-65; therefore, the features are considered inherent in Hester's system. It is also considered that 8 bit, 16 bit and 32 bit operating systems utilize different configuration data and therefore, require different configuration files to access the various environments, see col. 1 lines 25-35 and col. 2 lines 58-61. Hester's remapper (common configuration data, because it is common to each of the 8, 16 and 32 bit operating systems) is further considered to provide the table functions and the applicant should note that there are times when this is used instead of ROM (ROM BIOS), col. 3 lines 48-56. Hester's system enables compatibility*

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*between different configurations via his common configuration data structure (remapper), see col. 6 lines 1-13.*

*The applicant further refers to a common configuration data structure as referring to a set of multiple configuration databases used by more than one version of a program module and as a single configuration database used by more than one version of a program, Appeals Brief - page 10 lines 17-20. Again, this broad, multiple definitions are covered by the cited portions above.*

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Jqc  
September 2, 2004

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